



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LUIGI GIROTTO,

Plaintiff,

-against-

JGAM FOOD INC., et al.,

Defendants.

20-CV-2162 (GBD) (BCM)

**ORDER SCHEDULING CONFERENCE**

**BARBARA MOSES, United States Magistrate Judge.**

Ten months ago, in November 2020, the parties entered into a settlement agreement to resolve this action. (Dkt. No. 39.) The confidential settlement agreement, which has been filed under seal, contains both monetary terms and remediation requirements. The deadlines for paying the settlement consideration and making the required alterations to the premises have long passed. However, it appears that defendant JGAM Food Inc. (JGAM) has repeatedly failed to comply with its monetary and nonmonetary settlement obligations.

The settlement agreement provides, among other things, that in the event of a breach plaintiff may use all legal means to enforce the agreement, and may collect the costs of doing so, including attorneys' fees, from the breaching party. Plaintiff has advised the Court that he may also seek injunctive relief, including an order closing the subject premises until and unless JGAM has complied with its remediation obligations.

In light of these developments, and for the reasons stated on the record during today's telephonic conference, it is hereby ORDERED that:

1. The Order to Show Cause dated September 9, 2021 (Dkt. No. 37) is DISCHARGED.
2. Plaintiff may file a motion to enforce the settlement agreement no later than **October 21, 2021**. Unless otherwise agreed upon by the parties, opposition and reply briefs will be due in accordance with SDNY Local Rule 6.1.

3. The Court will conduct an **in-person** conference on **October 14, 2021, at 10:00 a.m.** in Courtroom 20A of the Daniel Patrick Moynihan United States Courthouse. In addition to counsel for each party, a **principal** of defendant JGAM must appear in person for the conference. A principal is an individual who is a majority owner and/or a senior executive of JGAM and who has the authority to enter into binding stipulations on its behalf.
4. If JGAM's current counsel of record wishes to withdraw (based on current conditions), he shall file a stipulation of withdrawal executed by his client, or a withdrawal motion in accordance with Local Civ. R. 1.4, no later than **October 7, 2021**.

Dated: New York, New York  
September 21, 2021

**SO ORDERED.**



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**BARBARA MOSES**  
**United States Magistrate Judge**